

As Proposed	Committee Recommendation	Common Provision From Other States
A. Except as otherwise specifically provided by law, a person shall not:	Except as otherwise specifically provided by law, a person, not including a state or local agency, shall not	Except as otherwise provided by law, a person or entity, not including a state or local agency, shall not:
<b>Arizona applies the prohibitions to state and local agencies. California, Missouri and Texas do not. Maryland also would not have applied them. Virginia's Government Data Collection and Dissemination Practices Act (GDCDPA) covers A.1 (§§ 2.2-3800; 2.2-3808.1, which prevents courts and agencies from disclosing social security numbers given as payment information; and 2.2-3808.2, which limits the courts' ability to post on the Internet documents that have a social security number on them), A.2 (§§ 2.2-3800.C.8 and 2.2-3808.B and C), A.5 (§ 2.2-3808.A) and A.6 (2.2-3800.D). Subsections A.2 and A.3 would fall under § 2.2-3803 (Administration of systems including personal information; Internet privacy policy) &amp; other laws.</b>		
1. Intentionally communicate or otherwise make available, in any manner, an individual's social security number to the general public;	1. Intentionally communicate <del>or otherwise make available, in any manner,</del> an individual's social security number to the general public;	(1) Intentionally communicate or otherwise make available to the general public an individual's social security number
<b>The transitive property of logic, as well as standards rules of statutory interpretation, apply intentionally to both "communicate" and "or otherwise make available".</b>	<b>Removing "or otherwise make available, in any manner" requires someone to prove the social security number was communicated, not just made available, to the general public.</b>	<b>Provision is the same as what was proposed.</b>
2. Print an individual's social security number on any card required for the individual to access or receive products or services provided by the person or entity;	2. Print an individual's social security number on any card required for the individual to access or receive products or services provided by the person or entity;	(2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity
<b>SAME</b>		
3. Require an individual to transmit his social security number over the Internet unless the connection is secure or the social security number is encrypted;	3. Require an individual to transmit his social security number over the Internet unless the connection is secure or the social security number is encrypted;	(3) Require an individual to transmit his or her social security number over the Internet unless the connection is secure or the social security number is encrypted.
<b>SAME</b>		
4. Require an individual to use his social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the site;	4. Require an individual to use his social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the site;	(4) Require an individual to use his or her social security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Web site
<b>SAME</b>		
5. Require an individual to disclose or furnish his social security number to access or receive goods or services unless the request or requester is subject to a state or federal statute, regulation or rule that governs the use and disclosure of social security numbers and such request or use is not prohibited by a state or federal statute, regulation or rule; or	DELETED	
<b>This provision would have applied the same standard that the Commonwealth must follow, (i) except those entities that are required to protect personal information by law and (ii) the request or use is not already prohibited. This provision exempts companies and transactions covered by HIPPA, GLBA, Supreme Court rules, employers, and educators. Other uses, such as by landlords, are also exempt if their use is specifically provided by law.</b>		

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<p>6. Send or deliver or cause to be sent or delivered, any letter, envelope or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package.</p>	<p>6. Send or deliver or cause to be sent or delivered, any letter, envelope or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package.</p>	<p>5. Print an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document to be mailed OR the inclusion is in an application, form, or document sent by mail (i) as part of an application or enrollment process; (ii) to establish, amend, or terminate an account, contract, or policy; or (iii) to confirm the accuracy of a social security number.</p> <p><i>California and Illinois incorporates both the Virginia proposed provision and the general provision from other states.</i></p>
<p><b>California and Illinois incorporate both the Virginia proposed provision and the general provision from other states.</b></p>		
<p>B. Notwithstanding subsection A, a person that, before July 1, 2005, used an individual's social security number in a manner inconsistent with subsection A may continue using that individual's social security number in that manner on and after July 1, 2005, subject to the following conditions:</p> <p>1. The use of the social security number must be continuous. If the use is stopped for any reason, subsection A applies.</p> <p>2. Beginning July 1, 2005, the person must provide the individual with an annual written disclosure of the individual's right to stop the use of the social security number in a manner prohibited by subsection A.</p> <p>3. If the individual requests in writing, the person must stop using the social security number in a manner prohibited by subsection A within 30 days after receiving the request. No fee or charge is allowed for implementing the request, and the person shall not deny goods or services to the individual because of the request.</p>	<p>B. Notwithstanding subsection A, a person that, before July 1, 2005, used an individual's social security number in a manner inconsistent with subsection A may continue using that individual's social security number in that manner on and after July 1, 2005, subject to the following conditions:</p> <p>1. The use of the social security number must be continuous. If the use is stopped for any reason, subsection A applies.</p> <p>2. Beginning July 1, 2005, the person must provide the individual with an annual written disclosure of the individual's right to stop the use of the social security number in a manner prohibited by subsection A.</p> <p>3. If the individual requests in writing, the person must stop using the social security number in a manner prohibited by subsection A within 30 days after receiving the request. No fee or charge is allowed for implementing the request, and the person shall not deny goods or services to the individual because of the request.</p>	<p>Continuing use, except for health insurance companies - B. Notwithstanding subsection A, a person or entity that before January 1, 2005 used an individual's social security number in a manner inconsistent with subsection a may continue using that individual's social security number in that manner on and after January 1, 2005 subject to the following conditions:</p> <p>1. The use of the social security number must be continuous. If the use is stopped for any reason, subsection A applies.</p> <p>2. Beginning in 2005, the person or entity must provide the individual with an annual written disclosure of the individual's right to stop the use of the social security number in a manner prohibited by subsection A.</p> <p>3. If the individual requests in writing, the person or entity must stop using the social security number in a manner prohibited by subsection a within thirty days after receiving the request. No fee or charge is allowed for implementing the request and the person or entity shall not deny services to the individual because of the request.</p>
<p><b>SAME</b></p>		

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C. This section does not prohibit the collection, use or release of a social security number as required by the laws of the Commonwealth or the United States or the use of a social security number for internal verification or administrative purposes unless such use is prohibited by a state or federal statute, regulation or rule.	C. This section does not prohibit the collection, use or release of a social security number as required by the laws of the Commonwealth or the United States or the use of a social security number for internal verification or administrative purposes unless such use is prohibited by a state or federal statute, regulation or rule.	This section does not prevent the collection, use, or release of a social security number as required by state or federal law or for internal verification or administrative purposes.
<b>Virginia would not allow any use for internal verification or administrative purposes if another law currently prohibits that use.</b>		
D. In the case of a health care service plan, a provider of health care, an insurer or a pharmacy benefits manager, or a contractor, the requirements of subdivision A 2 shall become operative on January 1, 2006, and the requirements of subdivision B shall not apply.	D. In the case of a health care service plan, a provider of health care, an insurer or a pharmacy benefits manager, or a contractor, the requirements of subdivision A 2 shall become operative on January 1, 2006, and the requirements of subdivision B shall not apply.	<b>NOTE</b> - No standard provision exists. Every statute seems to have special provisions for health insurance companies and providers; Texas provides for all insurance companies. Each statute treats new and renewing members differently.
<b>Unlike other states, Virginia's statute would treat new and renewing members of health care plans the same. Texas treats insurance companies like everyone else.</b>		
	E. This section does not apply to documents or records that are recorded or required to be open to the public pursuant to the constitution or laws of this state or by court rule or order, and this article does not limit access to these documents or records.	Arizona, California, Missouri and Texas specifically exempt public records. However, each state has different laws regarding what is exempt for the public records statute.
<b>Exempting public records enables someone to use a social security number in a manner inconsistent with this bill if it appears on a public record.</b>		
<b>MISCELLANEOUS</b> - Additional provisions covers state employee insurance plans, give consumers the ability to substitute use of the driver license number for use of the social security number and would make violation of these violations a violation of the Virginia Consumer Protection Act.		<b>MISCELLANEOUS</b> - Some states have additional provisions for a national unique patient health identifier program through the U.S. Department of Health and Human Services.
<b>Virginia's statute would not refer to the national unique health identifier program, a program that has been put on hold by the Department of Health and Human Services after much controversy over the privacy implications.</b>		
		<b>MISCELLANEOUS</b> - Some states have provisions that prohibit encoding or embedding a social security number in a card or document